

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMES G. MABREY,
Petitioner,

v.

Case No. 12-CV-00876

WILLIAM POLLARD, Warden,
Waupun Correctional Institution,
Respondent.

ORDER

Petitioner James Mabrey brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, and I dismissed it because the petition should have been filed under 28 U.S.C. § 2254. I gave petitioner time to amend his petition, but he has declined to do so and instead seeks a certificate of appealability (“COA”). In order to obtain a COA, petitioner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). I find that petitioner has not made the required showing.

THEREFORE, IT IS ORDERED that the request for a certificate of appealability is **DENIED.**

Dated at Milwaukee, Wisconsin, this 6th day of November 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge